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PATENT

Agent's Docket  
No. 462-USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/334,671  
Applicant : ROUGEOT et al.  
Filed: : June 17, 1999  
Title: : INDIRECT X-RAY IMAGE DETECTOR FOR RADIOLOGY  
Examiner: : Shun Lee  
Art Unit : 2878

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

## SECOND RESPONSE TO THE FINAL OFFICE ACTION

Sir:

In response to the Final Office Action dated September 5, 2003, and the Examiner's Advisory Action dated October 29, 2003, the applicants now submit herewith a Declaration under 37 CFR § 1.132. This Declaration by an expert in the field, Mr. Sorin Marcovici, is submitted in rebuttal of the Examiner's statement in the Advisory Action on which the rejection of the claims in this application has been maintained. The Examiner, Mr. Shun Lee, following a telephone conference of October 9, 2003 during which the differences between the novel concept of the present invention and the prior art were discussed and following the written Remarks/Arguments that were filed on October 15, 2003 in support of the telephone discussion, has found the applicants' arguments not persuasive for what appears to be a single reason. This reason is that, according to the Examiner, the photoreceptor 201 of Morton (U.S. Patent No. 5,693,947) is not pixelated and is, therefore, similar in structure to the photoreceptor 16 of the applicants.

It is respectfully submitted that this Examiner's conclusion is erroneous. As proof of this the applicants enclose herewith a Declaration under 37 CFR § 1.132, which provides a clear rebuttal of the Examiner's opinion on which he based his rejection. It is respectfully pointed out that under MPEP § 716, it is the responsibility of the primary examiner to personally review and decide whether such a Declaration submitted for the purpose of traversing the grounds of rejection is responsive to the rejection and presents sufficient facts to overcome the rejection.

It is further submitted that in the present case, the Declaration which specifically addresses the only ground of the Examiner's rejection as set out in the Advisory Action, namely: "that photoreceptor 201 (of Morton) is not pixelated", overcomes the rejection and, therefore, places this application in condition for allowance.

Respectfully submitted,



George J. Primak  
Agent for the Applicants  
Registration No. 24,991  
Client No. 026031

Date: January 28, 2004  
GJP/pp

Tel: 514-620-3936  
Fax: 514-620-7925

13480 Huntington  
Montreal, QC H8Z 1G2  
Canada

Enclosure: Declaration under 37 CFR § 1.132